

U.S. Application No.: 10/777,494
RESPONSE TO RESTRICTION REQUIREMENT

Attorney Docket: 3965.002

REMARKS

Review and reconsideration of the Restriction Requirement dated January 6, 2005, is respectfully requested.

In addition to responding to the Restriction Requirement, Applicant has amended Claims 12 and 15. Claims 12 and 15 were amended to depend upon Claims 1 and 7 respectively to link the process of making the product and the product.

Restriction Requirement

The Examiner has issued a Restriction Requirement requiring Applicant to elect for prosecution from either:

Group I Claims 1-11, drawn to an apparatus of the boat trailer, classified in Class 280, subclass 414.1.

Group II Claims 12-15, drawn to the process of making the boat trailer, classified in Class 29, subclass 897.2.

Applicants elect group I (Claims 1-11) with traverse.

According to the Examiner Groups I and II are different because the claims of group I are to a product that can be made by another and materially different process such as casting.

The position of the Examiner can be found on page 2 of

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the Office Action.

Applicant elects Group I, Claims 11-11, with traverse.

Traversal is for the following reasons:

Claim 1 is a boat trailer and Claim 12 is the preferred process of making the Applicant's boat trailer, thus the process of Claim 12 results in the product of Claim 1. Claim 7 is a boat trailer and Claim 15 is the preferred process for making Applicant's boat trailer, thus the process of Claim 15 results in the product of Claim 7. Thus, there is only one invention, and examination of both sets of claims should not be unduly burdensome.

Under the Manual of Patent Examining Procedure (MPEP) Section 803 - Restriction - When Proper:

Under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP §806.04 - §806.04(j)) or distinct (MPEP §806.05 - §806.05(i)).

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

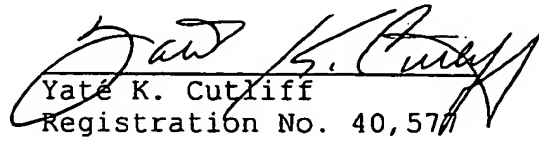
Thus, Applicant respectfully requests the Examiner to

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withdraw the restriction and examine all claims of Groups I
and II in this application.

Respectfully submitted,


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Date: February 5, 2005

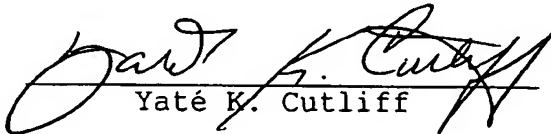
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CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing RESPONSE TO RESTRICTION REQUIREMENT for U.S. Application No. 10/777,494 filed February 12, 2004, was deposited in first class U.S. mail, with sufficient postage prepaid, addressed: Mail Stop Amendment, Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 5, 2005.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Yaté K. Cutliff